

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3: 11cr277**

UNITED STATES OF AMERICA,

Vs.

RASHARD DEAN BOYD,

Defendant.

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ORDER

THIS MATTER is before the court on defendant's pro se letter to the court filed October 1, 2012. While much of the letter is nonsensical, defendant appears to take issue with efforts of his appointed counsel and with whether or not he voluntarily entered his plea. The magistrate judge has previously rejected a motion to withdraw, which counsel filed at defendant's insistence. See Motion to Withdraw (#35).

The court will not take action at this time on the letter as it appears from an initial review of the Plea, the Rule 11, and the Presentence Report that defendant is being well defended by court appointed counsel. Indeed, through entering the Plea it appears that defendant may well be eligible for a three-level reduction (if the government moves for the third level) in his offense level based on acceptance of responsibility. This is a significant benefit and would likely lower the bottom end of the advisory guidelines for Count 1 from 210 months to 151 months, which is a significant amount of time amounting to nearly five years. Defendant is cautioned that by filing pro se pleadings, he unnecessarily makes statements that could be used against him and which could well form the basis of the government taking adverse action under the plea agreement. The court will, however, address defendant at the time of sentencing as to his satisfaction with counsel and whether

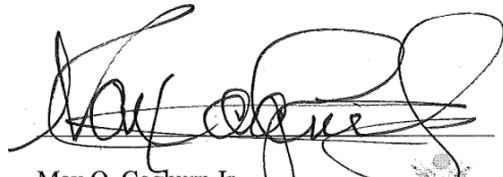
his plea was knowing and voluntary. He is advised to discuss his concerns with counsel and avoid filing letters with the court.

ORDER

IT IS, THEREFORE, ORDERED that the court will address the issues raised by defendant in his pro se letter at the time of sentencing.

The Clerk of Court is instructed to place this matter on for sentencing this month.

Signed: October 5, 2012



Max O. Cogburn Jr.
United States District Judge